

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SONTAY T. SMOTHERMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civ. No. 2:14-cv-972

Crim. No. 2:12-cr-055(3)

Judge Frost

Magistrate Judge King

ORDER

This action under 28 U.S.C. § 2255 was dismissed on May 6, 2015 on the basis that the claims presented in Petitioner's *Motion to Vacate*, ECF No. 270, had been presented to and rejected by the United States Court of Appeals for the Sixth Circuit in Petitioner's direct appeal. *Order*, ECF No. 291. *See United States v. Smotherman*, 564 Fed.Appx. 209 (6th Cir. 2014); *see also Smotherman v. United States*, 134 S.Ct. 2863 (2014). Since that time, Petitioner has filed a number of motions seeking reconsideration of that decision; all such motions have been considered and denied. This matter is now before the Court on Petitioner's most recent round of requests for reconsideration of the dismissal of this action. *Motion for Relief*, ECF No. 304; *Motion for Plain Error Review*, ECF No. 305; *Motion for Reconsideration*, ECF No. 307. This matter is also before the Court on Petitioner's *Motion for Certificate of Appealability*, ECF No. 303, Petitioner's motions for reconsideration of the Court's denial of a certificate of appealability, *Motion for Plain Error Review*, ECF No. 308, *Motion for Reconsideration*, ECF No. 309, and *Motion for Leave to Appeal in Forma Pauperis*, ECF No. 306.

Petitioner's *Motion for Leave to Appeal in Forma Pauperis*, ECF No. 306, is **GRANTED**. All judicial officers who render services in this action shall do so as if the costs had been prepaid.¹

However, the Court previously declined to issue a certificate of appealability. *Order*, ECF No. 299. Petitioner's *Motion for Certificate of Appealability*, ECF No. 303, is therefore **DENIED**. Moreover, nothing stated in Petitioner's motions to reconsider that determination persuades the Court that a certificate of appealability should issue. Petitioner's *Motion for Plain Error Review*, ECF No. 308, and *Motion for Reconsideration*, ECF No. 309, are therefore likewise **DENIED**.

This Court has considered the merits of *Petitioner's Motion to Vacate*, ECF No. 270, Petitioner's objections to the *Order and Report and Recommendation, Objections*, ECF No. 289, *Amended Objections*, ECF No. 292, *Objections*, ECF No. 294, and Petitioner's numerous requests to reconsider. Nothing stated in Petitioner's most recent motions seeking reconsideration of the dismissal of this action persuades the Court that the dismissal was erroneous. Petitioner's *Motion for Relief*, ECF No. 304, *Motion for Plain Error Review*, ECF No. 305, and *Motion for Reconsideration*, ECF No. 307, are therefore **DENIED**.

Moreover, the Court will not entertain any additional motions for reconsideration filed by Petitioner; any such motions shall be ordered stricken from the record.

/s/ GREGORY L. FROST
GREGORY L. FROST
United States District Judge

¹ Petitioner is reminded that he must yet file a proper notice of appeal.